

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JOHN ARTHUR BONNER,

4 Plaintiff,

5 v.

6 JERRY HOWELL, *et al.*,

7 Defendants.
8

Case No. 2:19-cv-01918-JAD-VCF

ORDER

9 **I. DISCUSSION**

10 On October 30, 2019, Plaintiff, an inmate in the custody of the Nevada Department
11 of Corrections ("NDOC"), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983.
12 (ECF No. 1-1). Plaintiff neither paid the full \$400 filing fee nor filed an application to
13 proceed *in forma pauperis*. On November 5, 2019, this Court ordered Plaintiff to file a
14 fully complete application to proceed *in forma pauperis*, on the correct form with complete
15 financial attachments, including both an inmate account statement for the past six months
16 and a properly executed financial certificate, or pay the full \$400 filing fee for a civil action.
17 On January 6, 2020, Plaintiff filed an application to proceed *in forma pauperis*. (ECF No.
18 4). However, Plaintiff's application to proceed in forma pauperis is incomplete.

19 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must
20 complete an application to proceed *in forma pauperis* and attach both an inmate account
21 statement for the past six months and a properly executed financial certificate. Plaintiff
22 has not submitted an inmate account statement for the past six months and a properly
23 executed financial certificate. As such, Plaintiff's application to proceed *in forma pauperis*
24 (ECF No. 4) is denied without prejudice.

25 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file
26 it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted one
27 final opportunity to cure the deficiencies of his application to proceed *in forma pauperis*,
28 or in the alternative, pay the full \$400 filing fee for this action. If Plaintiff chooses to file a

1 new application to proceed *in forma pauperis*, he must file a fully complete application to
2 proceed *in forma pauperis* and attach both an inmate account statement for the past six
3 months and a properly executed financial certificate. If Plaintiff files another incomplete
4 application to proceed *in forma pauperis*, the Court will dismiss the case in its entirety,
5 without prejudice, to file a new case when Plaintiff is able to acquire the necessary
6 documents to file a complete application to proceed *in forma pauperis*.

7 **II. CONCLUSION**

8 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
9 *in forma pauperis* (ECF No. 4) is DENIED without prejudice to file a new application.

10 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the
11 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
12 document entitled information and instructions for filing an *in forma pauperis* application.

13 IT IS FURTHER ORDERED that within **sixty (60) days** from the date of this order,
14 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on
15 the correct form with complete financial attachments, including an inmate account
16 statement for the past six months and a properly executed financial certificate, in
17 compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action
18 (which includes the \$350 filing fee and the \$50 administrative fee).

19 IT IS FURTHER ORDERED that if Plaintiff's next application to proceed *in forma*
20 *pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to
21 file a new case when he is able to acquire the necessary documents to file a complete
22 application to proceed *in forma pauperis*.

23 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
24 dismissal of this action may result.

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1 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
2 (ECF No. 1-1), but will not file it at this time.

3 DATED: 1-8-2020
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6 UNITED STATES MAGISTRATE JUDGE
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